

# Exhibit 1



**U.S. Department of Justice**

Civil Division

Federal Programs Branch

**Mailing Address**

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Washington, D.C. 20044

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Serena Orloff  
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**September 14, 2020**

Via Electronic Mail

Justin B. Perri  
Blackstone Law Group LLP  
1201 Broadway, Suite 904A  
New York, New York 10001  
[justin@blackstone-law.com](mailto:justin@blackstone-law.com)

Re: *Ryan v. Trump et al.*, No. 3:20-cv-05948-VC (N.D. Cal.)

Dear Justin,

We write with respect to your motion for a temporary restraining order. This letter is an effort to address your client's immediate concerns and thus resolve the issues you presented in your motion.

I can provide the following information; this information is provided in an effort to address the concerns you expressed about possible enforcement actions against your client and in the hope that this will result in withdrawal of your motion for emergency relief and potential resolution of this case without judicial involvement.

1. The Department of Commerce can state that it does not intend to implement or enforce Executive Order 13942 in a manner which would prohibit the payment of wages and/or salaries to Plaintiff or any other employee or contractor of TikTok.
2. The Department of Commerce can state that it does not intend to implement or enforce Executive Order 13942 in a manner which would prohibit the provision of benefits packages to Plaintiff or any other employee of TikTok.
3. The Department of Commerce can state that it does not intend to implement or enforce Executive Order 13942 in a manner which would result in the imputation of civil or criminal liability to Plaintiff or any other employee or contractor of TikTok for performing otherwise lawful actions that are part of their regular job duties and responsibilities.
4. The Department of Commerce cannot, however, offer assurances about the ways in

which the corporate entities of ByteDance Ltd. and its subsidiary TikTok may be impacted and the ways in which ByteDance Ltd. and its subsidiary TikTok may elect to restructure or change employee payments, benefits packages, or duties, as a result of Executive Order 13942.

We are happy to discuss further; however, it is our understanding that this assurance is sufficient to address the concerns presented in your motion for a temporary restraining order, and therefore that, at a minimum, the motion will be withdrawn. In light of the motion hearing scheduled for this Tuesday, September 15, 2020, we would appreciate confirmation that you intend to withdraw your motion by today (September 14) at 2 p.m. Pacific time. If so, we would plan to so inform the Court and then conduct a further meet and confer to agree upon next steps. If your motion is not withdrawn, we will notify the Court of these representations.

Sincerely,

/s/

Serena M. Orloff